

### Remarks

Reconsideration and withdrawal of the rejections of the claims, in view of the amendments and remarks herein, is respectfully requested. Claims 1 and 25 are amended, and claims 33-35 are added. The amendments to the claims are intended to advance the application and are not intended to concede to the correctness of the Examiner's position or to prejudice the prosecution of the claims prior to amendment, which claims are present in a continuation of the above-referenced application. Claims 1-35 are now pending in this application.

The Examiner is requested to note that new claims 33-35 recite the language of amended claim 1 and that in the Response to the Restriction Requirement filed August 27, 2004, Applicant elected the claims of Group I (claims 1-9 and 25-26) and requested rejoinder of the claims of Group III (claims 11-13; a method of preparing the claimed influenza virus) upon a notice of allowable subject matter.

The amendment to claim 1 renders the Examiner's objection to claims 1, 5-6, 9, 26 and 31-32 at page 3 of the Office Action, and the rejection of claims 1, 6, 9, 25-26 and 32 under 35 U.S.C. § 112(1), moot.

Conclusion

Applicant respectfully submits that the claims are in condition for allowance, and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney at (612) 373-6959 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

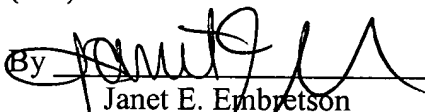
Respectfully submitted,

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By his Representatives,

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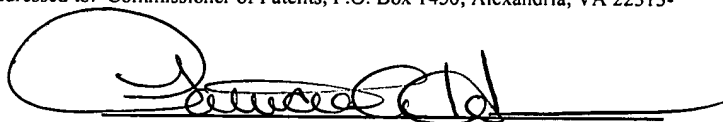
Date June 18, 2004

By   
Janet E. Embretson  
Reg. No. 39,665

CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 18th day of June, 2004.

Patricia A. Hultman

Name



Signature